

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Water Service Company
(U 60 W), for authority to increase rates
charged for Water Service in the
Antelope Valley District by \$437,218 or
36.94% in fiscal 2006-2007, by
\$145,000 or 8.94% in fiscal 2007-2008,
and \$145,000 in 8.21% in fiscal 2008-
2009.

A.05-08-006
(Filed August 8, 2005)

And Related Matters.

A.05-08-007
A.05-08-008
A.05-08-009
A.05-08-010
A.05-08-011
A.05-08-012
A.05-08-013

**AMENDED MOTION OF THE OFFICE OF RATEPAYER ADVOCATES
TO ESTABLISH A NEW SCHEDULE AND TO WITHDRAW ITS
SEPTEMBER 21, 2005 MOTION TO ESTABLISH A SCHEDULE**

Pursuant to Rule 45 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure, and the request of Administrative Law Judge (ALJ) McVicar at the September 9, 2005 Prehearing Conference, the Office of Ratepayer Advocates (ORA), respectfully submits this Motion to Establish a Revised Schedule in the above captioned proceeding. Furthermore, pursuant to Rule 45, ORA moves to withdraw of its September 21, 2005 Motion to Establish a Schedule.

On September 21, 2005 ORA filed a Motion to Establish a Schedule. That Motion was similar to the Motion at hand. Unfortunately, there was a miscommunication between the ORA and the Applicant, California Water Service Company (Cal-Water). ORA honestly believed that Cal-Water had agreed to the schedule listed in that Motion. ORA also understands, that Cal-Water honestly believed that it had agreed to a different schedule. ORA regrets any misunderstanding between the parties, and any inconvenience that its September 21, 2005 Motion may have caused the Commission. ORA hereby moves to withdraw its September 21, 2005 Motion, as it incorrectly states the parties' positions and the schedule requested within it is superseded by the schedule requested below.

ORA has contacted Cal-Water, and it has stated that it does not oppose ORA's request for the schedule in this Motion. In return for Cal-Water not objecting to ORA's schedule request, ORA will not object to a Cal-Water request for interim rates to insure that the final rates approved by the Commission are effective on the first day of the test year, provided that the delay is not due to the Applicant. At this time ORA is not aware of any delay due to Applicant.

On September 9, 2005 ORA filed a Protest which requested that ORA's report be due January 9, 2006. ORA stated,

This is a slight modification from the schedule established by the rate case plan (D.04-06-018). However such an adjustment is warranted because: (1) ORA will need to review a large number of Proposed Applications that will be arriving on November 1, 2005; (2) ORA will be short staffed during November and December due to widely observed holidays and staff vacations; (3) CWS plans to amends [sic] its Kern District filing in the future; and (4) the Redwood Valley District has a number of separate and distinct ratemaking subsections such that it is essentially three districts labeled as one. Dates for hearings, briefs, and other events can be established at the Prehearing Conference. (ORA Protest, p. 4.)

During the September 9, 2005 Prehearing Conference ALJ McVicar and Assigned Commissioner Bohn's advisor Bob Lane, stated that requests for a change of schedule

must include a detailed list of how the requested change will affect all proceeding deadlines. ORA hereby presents such a list, which is a modified version of the schedule presented in Cal-Water's Applications for this proceeding.

- December 19, 2005 – ORA report served
- January 9, 2006 – Applicant files Rebuttal Testimony
- January 18, 2006 – Start of settlement talks
- January 30- February 3, 2006 – Hearings
- February 28, 2006 – Concurrent Opening Briefs
- March 7, 2006 – Concurrent Reply Briefs
- May 30, 2006 – ALJ's Proposed Decision Filed
- June 19, 2006 – Comments on the Proposed Decision
- June 26, 2006 – Reply Comments on the Proposed Decision
- July, 2006 – Commission Meeting

ORA's Protest stated a number of valid rationales to adjust the schedule. Those grounds are still valid. In addition, the Cal-Water has attempted to amend its Applications. On September 9, 2005, Cal-Water, in addition to application updates, provided ORA with amendments to its Application. ORA was given prior notice that Cal-Water would amend its Kern River Valley District filing but there was no prior notice regarding the Redwood Valley District amendment. Given the extremely tight schedule that ORA must function under, unforeseen amendments to applications that require additional analysis and review create ripples throughout ORA's entire analytical process and negatively affects ORA's ability to diligently review these Applications.

ORA will do everything it can to participate efficiently in this proceeding. ORA is always welcome to open a dialogue on some or all of the issues involved with any party that wishes to join ORA in such talks. Nonetheless, the above schedule is essential to provide ORA the necessary time required to meaningfully represent ratepayers in this proceeding, while performing its role in reviewing incoming water-utilities Proposed Applications. Furthermore, granting ORA additional time to review these Applications

will advance the possibility that settlement talks will be productive, since knowing the strengths and weakness of one's case is the keystone to fruitful negotiations.

For the aforementioned reasons ORA respectfully requests that the above schedule be adopted, and allows for a meaningful review of the applicant's rate increase requests.

Respectfully submitted,

/s/ Jason Reiger

Jason Reiger
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September 22, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of **AMENDED MOTION OF THE OFFICE OF RATEPAYER ADVOCATES TO ESTABLISH A NEW SCHEDULE AND TO WITHDRAW ITS SEPTEMBER 21, 2005 MOTION TO ESTABLISH A SCHEDULE** in **A.05-08-006 et al.** by using the following service:

☒ **E-Mail Service:** sending the entire document as an attachment to an e-mail message to all known parties of record to this proceeding who provided electronic mail addresses.

☐ **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on **22nd day of September, 2005** at San Francisco, California.

/s/ Nelly Sarmiento

Nelly Sarmiento